

REMARKS

Claims 1-13 are pending in the application. Claim 11 has been amended to define more clearly the claimed invention. It is believed and intended that no new matter has been added by this amendment. Reconsideration and allowance of all claims are respectfully requested in view of the following remarks.

I. Preliminary matters

The Examiner has not yet acknowledged receipt of the Information Disclosure Statement filed May 7, 2004. Such indication is respectfully requested.

The Applicants gratefully acknowledge the Examiner's indication of receipt of the priority papers submitted under 35 U.S.C. § 119, filed January 29, 2004, and of the Information Disclosure Statement, filed March 10, 2004. The Applicants enclose herewith a certified translation of the foreign priority document to the present application. This translation is to be made of record in accordance with 37 C.F.R. § 1.55.

The Applicants are also grateful for the courtesies extended by the Examiner during the brief telephone interviews of August 4 and 28, 2006. Items discussed included the filing of the certified translation of the priority document, the word change in Claim 11, and the location of support in the original specification for new Fig. 3. The present amendments and remarks are made pursuant to the August 4 and 28 conversations.

II. Drawing objection

The Examiner objected to the drawings filed on April 4, 2006, stating that no description of new Fig. 3 was added to the Brief Description of the Drawings in the specification or to the Detailed Description of the Invention. The specification has been amended as set forth above to overcome this objection.

Also, the Examiner states that Fig. 3 is not approved because it would result in new matter. The Applicants respectfully submit, however, that support for new Fig. 3 is given in the originally filed application at least in lines 8-10 of page 4, as well as in Claim 3 under MPEP 608.01(I).

The Examiner is therefore respectfully requested to approve these replacement and new drawings as amended April 4, 2006.

III. Specification objection

The Examiner objected to the specification as containing no description of Fig. 3. The specification has been amended as set forth above, and in a manner believed to overcome this objection.

IV. Claim rejections under 35 U.S.C. § 112

The Examiner rejected Claim 11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 11 has been amended to remove the negative limitation. Such amendments are not made in response to the references cited in the Office Action and do not narrow the scope of the claims.

V. Claim rejections under 35 U.S.C. § 103

The Examiner rejected Claims 1-2, 4-6, and 8-13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,000,947, issued February 21, 2006 to Masayoshi Kumagai et al. (hereafter referenced as "the '947 patent") in view of U.S. Patent No. 6,536,801, issued March 25, 2003 to Ralph Frisch. The '947 patent has been removed as a reference by the filing of the enclosed certified translation of the priority document in the present application. The Examiner is thus respectfully requested to withdraw this rejection.

VI. Allowable subject matter

The Applicant gratefully acknowledges the Examiner's indication that Claims 3 and 7 contain allowable subject matter. The Applicant respectfully requests postponement of the Examiner's requirement that Claims 3 and 7 be rewritten in independent form until such time as the Examiner has reviewed and commented upon the present amendments and remarks.

VII. Conclusion

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and allowance of the above-identified patent application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew M. Shaheen', written over a horizontal line.

Matthew M. Shaheen
Reg. No. 45,367

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
1300 East Ninth Street, Suite 1700
Cleveland, Ohio 44114
Phone: (216) 621-2234
Fax: (216) 621-4072

Customer No. 26, 294